REMARKS

The Office Action mailed December 31, 2007 has been carefully reviewed and the foregoing amendment and following remarks have been made in consequence thereof.

Claims 1-27 are now pending in this application. Claims 1-9 have been withdrawn. Claims 10-27 stand rejected.

The rejection of Claims 10, 13-14, 17-19, 22-23 and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over Gonyea et al. (U.S. Pub. No. 2001/0032109) ("Gonyea") in view of Uegaki (U.S. Pub. No. 2002/0161533) ("Uegaki") is respectfully traversed.

Gonyea describes a system (28) for predicting a maintenance schedule (64) and associated maintenance costs (66) for future service events to be performed on a product (38). A plurality of components (34) and sub-components (38) are included in each product (38). The system (28) includes a local computer (10) that is coupled in communication to a server computer (15) using a network (13). The server computer (15) is also coupled to a database (26) for the storage and retrieval of data relating to predicting the maintenance schedules (64) and costs (66). Specifically, the system (28) predicts the maintenance schedule (64) and costs (66) of future service events of the product (38) to be performed. Operating condition data (50) is input into the system (28) by the owner of the product (32). The operating conditions data (50) include the actual time the product (32) is in use and the details of the operating environment. Alternatively, the operating conditions data (50) may include forecasted values that may be used for estimation purposes.

The system (28) computes the costs and prices associated with the event including those for parts, services, repairs and risks for every event in the schedule. More specifically, such computing includes sequentially simulating the execution of each event in the schedule. Moreover, for each event in the schedule, a multi-step logical function is used to compute the costs and prices. The logical function includes the steps of: determining which parts need to be replaced, verifying if spare/replacement parts are available in the inventory pools, determining if any new spare parts must be purchased, scheduling the parts removed from a unit for repair and/or refurbishment if required, determining which services need to be performed during the event, estimating risks associated with the event, and computing costs and prices associated with the event including those associated with parts, services, repairs,

and risks. Notably, Gonyea does not describe nor suggest receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event.

Uegaki describes a system that includes a PC 20 for use recognizing damaged parts in vehicle that has been in an accident. A control unit 5a in PC 20 receives image data 51 for the car model associated with the damaged vehicle. The image data 51 is displayed on a screen 50. The user marks a damaged area and impact force on the screen 50 using an input device 2 such as a keyboard. The control unit 5a then judges the location and degree of damage of each damaged part. The main storage device 6 of PC 20 includes a data module 6b that stores vehicle part prices and service costs for replacing or repairing the parts. The control unit 5a calculates a cost of repair of the damaged vehicle by integrating the prices of parts and services needed to fix each damaged part. Data module 6b may also store a ranking of the condition of available parts, such as "new" or "used." Notably, Uegaki does not describe nor suggest receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event.

Claim 10 recites a network based system for maintaining at least one component, said system comprising a server system "further configured to . . . receive, at the database, component operational history data and component inspection data from a user for a pre-identified component . . . receive, at the database, a customer expectation of contingency fees and service prices from the user . . . receive, at the database, costs comprising at least one of component replacement part costs, component part repair costs, and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompt a user to input a pre-determined

component operational forecast into the database . . . analyze component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generate a financial report including at least one schedule of component maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea and Uegaki describes nor suggests a network based system for maintaining at least one component, as is recited in Claim 10. Specifically, no combination of Gonyea and Uegaki describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with the event, and computing the costs and prices based on the determined factors, and Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 10 is patentable over Gonyea in view of Uegaki.

Claims 13-14 and 17-18 depend from independent Claim 10. When the recitations of Claims 13-14 and 17-18 are considered in combination with the recitations of Claim 10, Applicants respectfully submit that dependent Claims 13-14 and 17-18 likewise are patentable over Gonyea in view of Uegaki.

Claim 19 recites a computer program embodied on a computer readable medium for maintaining at least one component, said program comprising a code segment that receives, at a database, component operational history data and component inspection data from a user

for a pre-identified component and then "receives, at the database, a customer expectation of contingency fees and service prices from the user . . . receives, at the database, costs comprising at least one of component replacement part costs, component part repair costs, and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompts a user to input a pre-determined component operational forecast into the database . . . analyzes component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generates a financial report including at least one schedule of component maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea and Uegaki describes nor suggests a computer program embodied on a computer readable medium for maintaining at least one component, as is recited in Claim 19. Specifically, no combination of Gonyea and Uegaki describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with the event, and computing the costs and prices based on the determined factors, and Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 19 is patentable over Gonyea in view of Uegaki.

Claims 22-23 and 26-27 depend from independent Claim 19. When the recitations of Claims 22-23 and 26-27 are considered in combination with the recitations of Claim 19,

Applicants respectfully submit that dependent Claims 22-23 and 26-27 likewise are patentable over Gonyea in view of Uegaki.

In addition, Applicants respectfully submit that it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon *ex post* reasoning. *See KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385, 1397 (2007). The Supreme Court also explained that, following "common sense," "familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* Applicants respectfully submit that the teachings of Gonyea and Uegaki do not fit together like pieces of a puzzle, but rather are isolated disclosures, which have been chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 10, 13-14, 17-19, 22-23 and 26-27 be withdrawn.

The rejection of Claims 11 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Gonyea in view of Uegaki, and further in view of McQuown et al. (U.S. Pub. No. 2002/20059269) ("McQuown") is respectfully traversed.

Gonyea and Uegaki are as described above.

McQuown describes a portable unit 14 that is used to service a locomotive 12 parked at a railroad service yard 13. Repair, maintenance, and diagnostic information is wirelessly exchanged between portable unit 14 and a remotely located monitoring and diagnostic service center ("MDSC") 20. A technician troubleshooting locomotive 12 uses portable unit 14 to access on-board monitoring data from locomotive 12, transmit it to MDSC 20, and receive from MDSC 20 a repair recommendation and information required to make the repair. In

addition, a parts-ordering module 58 includes an on-line ordering system that enables portable unit 14 to order parts for inventory or for a specific repair. Parts-ordering module 58 provides access for portable unit 14 to on-line catalogs issued by suppliers of locomotive components. Notably, McQuown does not describe nor suggest receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event.

Claim 10 recites a network based system for maintaining at least one component, said system comprising a server system "further configured to . . . receive, at the database, component operational history data and component inspection data from a user for a pre-identified component . . . receive, at the database, a customer expectation of contingency fees and service prices from the user . . . receive, at the database, costs comprising at least one of component replacement part costs, component part repair costs, and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompt a user to input a pre-determined component operational forecast into the database . . . analyze component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generate a financial report including at least one schedule of component maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea, Uegaki and McQuown describes nor suggests a network based system for maintaining at least one component, as is recited in Claim 10. Specifically, no combination of Gonyea, Uegaki and McQuown describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component

operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with the event, and computing the costs and prices based on the determined factors, Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage, and McQuown describes remotely ordering repair parts from a supplier's on-line catalog.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 10 is patentable over Gonyea in view of Uegaki, and further in view of McQuown.

Claim 11 depends from independent Claim 10. When the recitations of Claim 11 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claim 11 likewise is patentable over Gonyea in view of Uegaki, and further in view of McQuown.

Claim 19 recites a computer program embodied on a computer readable medium for maintaining at least one component, said program comprising a code segment that receives, at a database, component operational history data and component inspection data from a user for a pre-identified component and then "receives, at the database, a customer expectation of contingency fees and service prices from the user . . . receives, at the database, costs comprising at least one of component replacement part costs, component part repair costs, and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompts a user to input a pre-determined component operational forecast into the database . . . analyzes component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generates a financial report including at least one schedule of component maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea, Uegaki and McQuown describes nor suggests a computer program embodied on a computer readable medium for maintaining at least one component, as is recited in Claim 19. Specifically, no combination of Gonyea, Uegaki and McQuown describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with the event, and computing the costs and prices based on the determined factors, Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage, and McQuown describes remotely ordering repair parts from a supplier's on-line catalog.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 19 is patentable over Gonyea in view of Uegaki, and further in view of McQuown.

Claim 20 depends from independent Claim 19. When the recitations of Claim 20 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claim 20 likewise is patentable over Gonyea in view of Uegaki, and further in view of McQuown.

In addition, Applicants again respectfully submit that it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon *ex post* reasoning. *See KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385, 1397 (2007). The

Supreme Court also explained that, following "common sense," "familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* Applicants respectfully submit that the teachings of Gonyea, Uegaki and McQuown do not fit together like pieces of a puzzle, but rather are isolated disclosures, which have been chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 11 and 20 be withdrawn.

The rejection of Claims 12 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Gonyea in view of Uegaki, and further in view of Herz et al. (U.S. Pub. No. 2001/0014868) ("Herz") and Tsunoda et al. (JP 2002-149861) ("Tsunoda") is respectfully traversed.

Gonyea and Uegaki are as described above.

Herz describes a system 100 for use in automatically determining customized prices and promotions for individual shoppers or types of shoppers. Herz recites that a "standard approach is to advertise a high list price, but to furnish discount coupons to selected customers." (Para. 0279.) System 100 uses a computer network to provide selected customers with electronic analogs to such discount coupons. Notably, Herz does not describe nor suggest receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event.

Tsunoda describes a commodity sales method and system. In Tsunoda, "a discount price is calculated and presented to the continuously ordering customers to urge them to early perform the replacement of the commodity or parts and the supply of expendable supplies." ("Solution" at lines 15-18.) Notably, Tsunoda does not describe nor suggest receiving, at a database, a customer expectation of contingency fees and service prices, analyzing

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component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event.

Claim 10 recites a network based system for maintaining at least one component, said system comprising a server system "further configured to . . . receive, at the database, component operational history data and component inspection data from a user for a pre-identified component . . . receive, at the database, a customer expectation of contingency fees and service prices from the user . . . receive, at the database, costs comprising at least one of component replacement part costs, component part repair costs, and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompt a user to input a pre-determined component operational forecast into the database . . . analyze component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generate a financial report including at least one schedule of component maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea, Uegaki, Herz and Tsunoda describes nor suggests a network based system for maintaining at least one component, as is recited in Claim 10. Specifically, no combination of Gonyea, Uegaki, Herz and Tsunoda describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with

the event, and computing the costs and prices based on the determined factors, Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage, Herz describes advertising a high list price for an item, but furnishing discount coupons to selected customers, and Tsunoda describes calculating and presenting a discount price to customers to entice the customers into replacing commodities and/or parts and/or purchasing expendable supplies.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 10 is patentable over Gonyea in view of Uegaki, and further in view of Herz and Tsunoda.

Claim 12 depends from independent Claim 10. When the recitations of Claim 12 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claim 12 likewise is patentable over Gonyea in view of Uegaki, and further in view of Herz and Tsunoda.

Claim 19 recites a computer program embodied on a computer readable medium for maintaining at least one component, said program comprising a code segment that receives, at a database, component operational history data and component inspection data from a user for a pre-identified component and then "receives, at the database, a customer expectation of contingency fees and service prices from the user . . . receives, at the database, costs comprising at least one of component replacement part costs, component part repair costs, and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompts a user to input a pre-determined component operational forecast into the database . . . analyzes component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generates a financial report including at least one schedule of component maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea, Uegaki, Herz and Tsunoda describes nor suggests a computer program embodied on a computer readable medium for maintaining at least one component, as is recited in Claim 19. Specifically, no combination of Gonyea, Uegaki, Herz

and Tsunoda describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with the event, and computing the costs and prices based on the determined factors, Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage, Herz describes advertising a high list price for an item, but furnishing discount coupons to selected customers, and Tsunoda describes calculating and presenting a discount price to customers to entice the customers into replacing commodities and/or parts and/or purchasing expendable supplies.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 19 is patentable over Gonyea in view of Uegaki, and further in view of Herz and Tsunoda.

Claim 21 depends from independent Claim 19. When the recitations of Claim 21 are considered in combination with the recitations of Claim 19, Applicants submit that dependent Claim 21 likewise is patentable over Gonyea in view of Uegaki, and further in view of Herz and Tsunoda.

In addition, Applicants again respectfully submit that it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon *ex post*

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reasoning. *See KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385, 1397 (2007). The Supreme Court also explained that, following "common sense," "familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* Applicants respectfully submit that the teachings of Gonyea, Uegaki, Herz and Tsunoda do not fit together like pieces of a puzzle, but rather are isolated disclosures, which have been chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 12 and 21 be withdrawn.

The rejection of Claims 15-16 and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over Gonyea in view of Uegaki, and further in view of the Examiner's Official Notice is respectfully traversed.

Gonyea and Uegaki are as described above.

The Official Notice taken at page 10 of the Office Action is merely that "prompting a user to enter data is old and well known in the art of database management."

Claim 10 recites a network based system for maintaining at least one component, said system comprising a server system "further configured to . . . receive, at the database, component operational history data and component inspection data from a user for a pre-identified component . . . receive, at the database, a customer expectation of contingency fees and service prices from the user . . . receive, at the database, costs comprising at least one of component replacement part costs, component part repair costs, and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompt a user to input a pre-determined component operational forecast into the database . . . analyze component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generate a financial report including at least one schedule of component

maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea, Uegaki and the Official Notice describes nor suggests a network based system for maintaining at least one component, as is recited in Claim 10. Specifically, no combination of Gonyea, Uegaki and the Official Notice describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with the event, and computing the costs and prices based on the determined factors, Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage, and the Official Notice merely describes prompting a user to enter data.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 10 is patentable over Gonyea in view of Uegaki, and further in view of the Official Notice.

Claims 15-16 depend from independent Claim 10. When the recitations of Claims 15-16 are considered in combination with the recitations of Claim 10, Applicants respectfully submit that dependent Claims 15-16 likewise are patentable over Gonyea in view of Uegaki, and further in view of the Official Notice.

Claim 19 recites a computer program embodied on a computer readable medium for maintaining at least one component, said program comprising a code segment that receives, at a database, component operational history data and component inspection data from a user for a pre-identified component and then "receives, at the database, a customer expectation of contingency fees and service prices from the user . . . receives, at the database, costs comprising at least one of component replacement part costs, component part repair costs,

and vendor service costs, the costs are associated with the pre-identified component and are determined using pre-stored costs related to the pre-identified component . . . prompts a user to input a pre-determined component operational forecast into the database . . . analyzes component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast . . . automatically generates a financial report including at least one schedule of component maintenance events and costs associated with each event based on the component maintenance information analysis."

No combination of Gonyea, Uegaki and the Official Notice describes nor suggests a computer program embodied on a computer readable medium for maintaining at least one component, as is recited in Claim 19. Specifically, no combination of Gonyea, Uegaki and the Official Notice describes nor suggests receiving, at a database, a customer expectation of contingency fees and service prices, analyzing component maintenance information including component inspection data and at least one of component operational history data, customer expectation of contingency fees and service prices, replacement part costs, part repair costs, vendor service costs, and component operational forecast, and automatically generating a financial report including at least one schedule of component maintenance events and costs associated with each event. Rather, in contrast to the present invention, Gonyea describes a system that computes costs and prices associated with an event by determining parts to be purchased, replaced, repaired, and/or refurbished, determining services to be performed, determining risks associated with the event, and computing the costs and prices based on the determined factors, Uegaki describes selecting a damaged area on an image of a vehicle and calculating the cost of parts and services needed to repair the damage, and the Official Notice merely describes prompting a user to enter data.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 19 is patentable over Gonyea in view of Uegaki, and further in view of the Official Notice.
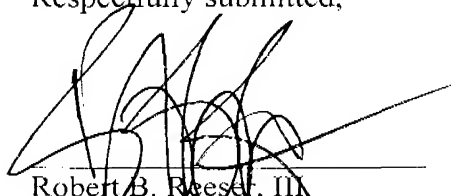
Claims 24-25 depend from independent Claim 19. When the recitations of Claims 24-25 are considered in combination with the recitations of Claim 19, Applicants respectfully submit that dependent Claims 24-25 likewise are patentable over Gonyea in view of Uegaki, and further in view of the Official Notice.

In addition, Applicants again respectfully submit that it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon *ex post* reasoning. *See KSR International Co. v. Teleflex, Inc.*, 82 USPQ2d 1385, 1397 (2007). The Supreme Court also explained that, following "common sense," "familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." *Id.* Applicants respectfully submit that the teachings of Gonyea, Uegaki and the Official Notice do not fit together like pieces of a puzzle, but rather are isolated disclosures, which have been chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 15-16 and 24-25 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

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